

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
v.) Case No.: 2:06cr76-VPM
CASTIN J. HEINS)

UNOPPOSED MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, Castin J. Heins, by and through undersigned counsel, Kevin L. Butler, and pursuant to 18 U.S.C. §§3161(h)(2) and 3161(h)(8)(B)(I), respectfully moves this Court to continue the trial of this action from the present trial date of July 17, 2006, to allow for the consideration/resolution of pretrial diversion in this matter. In support of this Motion, defendant would show:

1. Ms. Heins has been charged by indictment in this district with theft of government property in violation of 18 U.S.C. §641.
2. Undersigned counsel has requested Pretrial Diversion for Defendant.
3. The government is evaluating the Pretrial Diversion request.
4. It is not anticipated that the government's evaluation of this request will be completed on or before the trial date.
5. Special Assistant United States Attorney, Neal Frazier, does not oppose a continuance of this matter as it is necessary for an adequate review of the diversion request by the government.
6. Neither the government nor Ms. Heins will be prejudiced by a continuance of this matter.

WHEREFORE, Defendant prays that this Unopposed Motion to Continue Trial be granted.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Neal B. Frazier.

Respectfully submitted,

s/ Kevin L. Butler
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